

ATTORNEY DOCKET NO. 040894-7140

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Ya XU, et al. )  
Application No.: Unassigned ) Group Art Unit: Unassigned  
U.S. Filing Date: December 3, 2004 ) Examiner: Unassigned  
National Stage of PCT/JP03/07084 )  
PCT Filing Date: June 4, 2003 )

For: **EXTREMELY FINE SHAPE MEMORY ALLOY WIRE, COMPOSITE MATERIAL USING THE SAME, AND PROCESS FOR PRODUCING THE SAME**

Commissioner for Patents  
**MAIL STOP PATENT APPLICATION**

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

Enclosed is a Search Report and International Preliminary Examination Report from the PCT application from which this National Phase U.S. Application is derived citing and setting forth the relevance of EP 0 709 482, JP-A-7-197221, JP-A-6-212018 and JP-A-9-176330. The relevance of WO 02/097149 can be understood from the discussion at page 1 of the present application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art."

If it should be determined that the listed document does not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Robert J. Goodell Reg. No. 41,040

Date: December 3, 2004

**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 739-3000

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| <b>INFORMATION DISCLOSURE CITATION</b><br>(Use several sheets if necessary) |  | Attorney Docket No.<br>040894-7140 | Serial No. |
|   |  | Applicants<br>Ya XU, et al.        |            |
| PTO Form 1449   |  | Filing Date<br>December 2, 2004    | Group      |

**U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

| OWNER DOCUMENTS (including Name, Address, Date, Phone, Email, etc.) |  |  |
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| Examiner   | Date Considered |
|--|-----------------|
| Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |                 |